

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WYNN LAS VEGAS, LLC

and

Cases: 28–CA–155984  
28–CA–157203

KELI P. MAY, an individual

and

KANIE KASTROLL, an individual

ORDER REMANDING<sup>1</sup>

On November 6, 2018, the National Labor Relations Board issued a Notice to Show Cause why this case should not be remanded for further consideration under *The Boeing Company*, 365 NLRB No. 154 (2017). The General Counsel filed a response to the Notice to Show Cause, in which he supported severing the allegations that certain work rules maintained by the Respondent were unlawful under *Boeing* and that the Respondent disciplined an employee, Keli P. May, for acting in violation of one of those rules; remanding those allegations to the judge; and retention by the Board of the remaining allegations.<sup>2</sup>

Having duly considered the matter, IT IS ORDERED that the allegations that the work rules at issue have been unlawfully maintained and that the Respondent disciplined May for acting in violation of one of those rules are severed and remanded to Administrative Law Judge Gerald M. Etchingham for the purpose of reopening the record, if necessary, and preparing a supplemental decision addressing those allegations, setting forth credibility resolutions (if necessary), findings of fact,

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> The Respondent did not respond to the Notice to Show Cause.

conclusions of law, and a recommended Order.<sup>3</sup> Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable.<sup>4</sup>

Dated, Washington, D.C., September 12, 2019.

John F. Ring,            Chairman

Lauren McFerran,   Member

Marvin E. Kaplan,   Member

NATIONAL LABOR RELATIONS BOARD

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<sup>3</sup>        The General Counsel, in his response, suggested that the only allegation of discipline requiring review in the light of *Boeing* is that the “second written warning” issued to May was unlawful. However, the discipline for May’s purported misconduct included not only the warning but also her suspension. The allegation that the suspension was also unlawful is therefore also remanded for review under this Order, to the extent that the judge found the suspension unlawful as based on an unlawful work rule. This is not to suggest any conclusion by the Board on the merits of either allegation.

<sup>4</sup>        We shall retain for future consideration the allegations that the Respondent unlawfully disciplined employee Kanie Kastroll and committed additional misconduct in connection with that discipline.